



General Assembly

February Session, 2010

***Raised Bill No. 5543***

LCO No. 2694

\*02694\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING PATENTS, TRADEMARKS OR LICENSING  
AGREEMENTS FOR INVENTIONS AND DISCOVERIES OF  
EMPLOYEES OF THE CONNECTICUT AGRICULTURAL EXPERIMENT  
STATION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4-61a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 As used in this section, "invention" shall mean any invention or  
4 discovery and shall be divided into the following categories: (1) Any  
5 invention conceived by one state employee solely, or by state  
6 employees jointly; (2) any invention conceived by one or more state  
7 employees jointly with one or more other persons; (3) any invention  
8 conceived by one or more persons not state employees. The state shall  
9 be entitled to own, or to participate in the ownership of, and to place in  
10 the custody of the state to the extent of such ownership, any invention  
11 on the following conditions: (a) The state shall be entitled to own the  
12 entire right, title and interest in and to any invention in category (1), in  
13 any instance in which such invention is conceived in the course of  
14 performance of customary or assigned duties of the employee inventor

15 or inventors, or in which the invention emerges from any research,  
16 development or other program of the state, or is conceived or  
17 developed wholly or partly at the expense of the state, or with the aid  
18 of its equipment, facilities or personnel. In each such instance, the  
19 employee inventor shall be deemed to be obligated, by reason of his  
20 employment by the state, to disclose his invention fully and promptly  
21 to an authorized executive of the state; to assign to the state the entire  
22 right, title and interest in and to each invention in category (1); to  
23 execute instruments of assignment to that effect; to execute such  
24 proper patent applications on such invention as may be requested by  
25 an authorized executive of the state, and to give all reasonable aid in  
26 the prosecution of such patent applications and the procurement of  
27 patents thereon; (b) the state shall have the rights defined in subsection  
28 (a) of this section with respect to inventions in category (2), to the  
29 extent to which an employee has or employees have disposable  
30 interest therein; and to the same extent the employee or employees  
31 shall be obligated as defined in said subsection (a); (c) the state shall  
32 have no right to inventions in category (3), except as may be otherwise  
33 provided in contracts, express or implied, between the state and those  
34 entitled to the control of inventions in category (3). This section shall  
35 not apply to employees or inventions covered by sections 10a-110 to  
36 10a-110g, inclusive, and sections 3 to 8, inclusive, of this act.

37 Sec. 2. Subsection (a) of section 22-81 of the general statutes is  
38 repealed and the following is substituted in lieu thereof (*Effective*  
39 *October 1, 2010*):

40 (a) Said board shall have the general management of the institution  
41 and shall appoint a director, who shall have the general management  
42 and oversight of experiments and investigations. It may own such real  
43 and personal estate as may be necessary for carrying on its work and  
44 may receive title to the same by deed, devise or bequest. It shall  
45 expend all money appropriated by the state in the prosecution of the  
46 work for which said institution is established, shall use for the same  
47 purpose the income from all funds and endowments which it may

48 receive from other sources and may sue and be sued by the name of  
49 the Connecticut Agricultural Experiment Station. It may seek and  
50 obtain patents, trademarks and licensing agreements relating to  
51 inventions and discoveries of any employee of the Connecticut  
52 Agricultural Experiment Station. It may pursue any opportunity to  
53 receive funds for research available from the federal government or  
54 from private sources. It shall make an annual report to the joint  
55 standing committee of the General Assembly having cognizance of  
56 matters relating to the Department of Agriculture and the Department  
57 of Environmental Protection, including a statement of the activities of  
58 the station and the sources and amounts of funds available to the  
59 station. It shall make an annual report to the Governor, as provided in  
60 section 4-60, including therein a report upon adulterated food products  
61 and a report of the work done and results obtained under the  
62 provisions of section 22-84.

63 Sec. 3. (NEW) (*Effective October 1, 2010*) As used in sections 4 to 8,  
64 inclusive, of this act: (1) "Station" means the Connecticut Agricultural  
65 Experiment Station; (2) "director" means the director of the Connecticut  
66 Agricultural Experiment Station; and (3) "board" means the board of  
67 control of the Connecticut Agricultural Experiment Station.

68 Sec. 4. (NEW) (*Effective October 1, 2010*) (a) The station shall be  
69 entitled to own the entire right, title and interest in any invention or  
70 discovery of an employee of the station that (1) is conceived in the  
71 course of the performance of customary or assigned duties of the  
72 employee, (2) emerges from any research, development or other  
73 program of the station, or (3) is conceived or developed wholly or  
74 partly at the expense of the station or with the aid of the equipment,  
75 facilities or personnel of the station.

76 (b) In each such instance, the employee shall be deemed to be  
77 obligated, by reason of his or her employment by the station, to (1)  
78 disclose his or her invention or discovery fully and promptly to the  
79 director, (2) assign to the station the entire right, title and interest in

80 each invention or discovery, and execute instruments of assignment to  
81 that effect, and (3) execute such proper patent or license application or  
82 other instrument of assignment concerning such invention or  
83 discovery as may be requested by the director, and give all reasonable  
84 aid in the prosecution of such application or assignment and the  
85 procurement of such patent, license or assignment.

86 (c) Except where the invention or discovery is subject to federal  
87 grant restrictions, the entire beneficial ownership of any such  
88 invention or discovery, including all monetary proceeds, property and  
89 rights of every character, tangible and intangible, shall be deposited  
90 with the station and vest in the station for use in scientific inquiries  
91 and experiments and the board shall exercise complete control thereof.

92 Sec. 5. (NEW) (*Effective October 1, 2010*) Each employee who  
93 conceives any invention or discovery and fulfills his or her obligations  
94 to the satisfaction of the station as provided in section 4 of this act shall  
95 be entitled to share in any net proceeds that may be derived from the  
96 assignment, grant, license or other disposal of such invention or  
97 discovery in the amount of one-third of any net proceeds, after  
98 deducting from gross proceeds any and all costs and expenses as may  
99 be reasonably allocated to the particular invention or discovery  
100 including, but not limited to, costs or expenses associated with seeking  
101 and obtaining any patent, trademark or licensing agreement,  
102 maintenance or litigation costs, and the costs of evaluating the  
103 commercial potential of the invention or discovery. If the invention or  
104 discovery was made by two or more employees of the station, the  
105 employees who jointly made the invention or discovery shall be paid  
106 in shares proportionate to such employees' proportionate role in the  
107 invention or discovery as the board may determine.

108 Sec. 6. (NEW) (*Effective October 1, 2010*) Disagreements as to the  
109 allocation of any invention or discovery, as to the obligations of any  
110 employee, or due performance thereof, or as to the participation of any  
111 employee of the station in any net proceeds, shall be disposed of as

112 follows: (1) By voluntary arbitration of all relevant issues, if the  
 113 disagreeing parties approve and agree to be bound by the decision  
 114 upon such arbitration; (2) by compulsory arbitration if that is provided  
 115 for in any applicable contract between the disagreeing parties; or (3) by  
 116 recourse to courts of competent jurisdiction in this state if arbitration  
 117 cannot be resorted to under either subdivision (1) or (2) of this section.

118 Sec. 7. (NEW) (*Effective October 1, 2010*) The board may establish and  
 119 regulate, equitably in the public interest, such measures as the board  
 120 deems necessary for the purposes of such arbitration, and to make  
 121 contracts for compulsory arbitration, in the name of the station.

122 Sec. 8. (NEW) (*Effective October 1, 2010*) The board may adopt  
 123 regulations in accordance with chapter 54 of the general statutes to  
 124 govern the operations of the station in accordance with the provisions  
 125 of sections 3 to 7, inclusive, of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	4-61a
Sec. 2	<i>October 1, 2010</i>	22-81(a)
Sec. 3	<i>October 1, 2010</i>	New section
Sec. 4	<i>October 1, 2010</i>	New section
Sec. 5	<i>October 1, 2010</i>	New section
Sec. 6	<i>October 1, 2010</i>	New section
Sec. 7	<i>October 1, 2010</i>	New section
Sec. 8	<i>October 1, 2010</i>	New section

***Statement of Purpose:***

To regulate the ownership of inventions and discoveries of employees of the Connecticut Agricultural Experiment Station.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*